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**ORIGINAL**

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JAN 03 2006

at 6 o'clock and 53 min. P.M.  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	) CIVIL NO. CV03-00385 SOM-LEK
	) (Copyright)
	)
Plaintiff,	) NOTICE OF MOTION;
	) DEFENDANT PCT'S MOTION IN
	) LIMINE NO. 5 (TO EXCLUDE OR
vs.	) LIMIT THE TESTIMONY OF DR.
	) PHILIP JOHNSON);
	) MEMORANDUM IN SUPPORT OF
HAWAIIAN EXPRESS SERVICE,	) DEFENDANT PCT'S MOTION IN
INC., et al., (Caption Continued)	) LIMINE NO. 5 (TO EXCLUDE OR

**SCANNED**

Defendants. ) **LIMIT THE TESTIMONY OF DR.**  
 ) **PHILIP JOHNSON)**  
 )  
 )  
 )  
 )  
 )  
 ) Judge: Hon. Susan O. Mollway  
 ) Trial Date: January 24, 2006  
 )  
 ) Hearing Date: January 20, 2006  
 ) Hearing Time: 2:00 p.m. *San*

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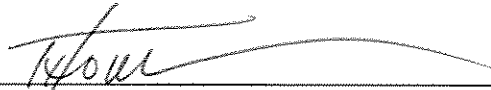
### NOTICE OF MOTION

TO: Timothy J. Hogan, Esq.  
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Attorney for Plaintiff

NOTICE IS HEREBY GIVEN THAT DEFENDANT PCT'S MOTION IN LIMINE NO. 5 (TO EXCLUDE OR LIMIT THE TESTIMONY OF DR. PHILIP JOHNSON), shall come on for hearing before the Honorable Susan Oki Molloway Judge of the above-entitled Court, in her courtroom in the United States Courthouse, 300 Ala Moana Boulevard, Honolulu, Hawaii, at 2:00 p.m., on January 20, 2006, or as soon thereafter as counsel can be heard.

DATED: Honolulu, Hawaii, January 3, 2006.



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